

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO.: 06-CR-30018-2FL

MARTIN MUNGARAY,

HON. PAUL V. GADOLA
MAG. JUDGE WALLACE CAPEL, JR.

Defendant.

ORDER CONTINUING
ORDER OF TEMPORARY DETENTION

The defendant appeared before this Court on January 9, 2006, based upon a Complaint charging him with conspiracy to distribute and possess with intent to distribute marijuana, in violation of 21 U.S.C. § 846. The Defendant was subsequently ordered temporarily detained, and a detention hearing was scheduled for January 12, 2006. At the hearing held on January 12, 2006, the Defendant requested that this matter be adjourned in order to ascertain if a suitable third-party custodian would be available to supervise the Defendant should the Court allow the Defendant to be released on bond. The request was granted.

On January 18, 2006, a continued detention hearing was held. At that time the Government moved for detention of the Defendant based upon his prior criminal record, the lengthy term of incarceration that the Defendant faces; the lack of employment and family ties to this district.

The attorney for the Defendant while conceding that the Defendant lacks family and employment ties to this area, again requested an adjournment of this matter in order to work out a viable order of release on bond with a third-party custodian to supervise the Defendant. The matter was subsequently adjourned until January 24, 2006, to permit the defense attorney time to accomplish

his request.

At the hearing held on January 24, 2006, the Court was informed that the candidate initially considered by the defense attorney as a third-party candidate was determined not to be suitable due to his lack of United States citizenship. Another third-party candidate was proposed by the Defendant. However, issues arose as to the viability of this individual's ability to act as a third-party custodian. Further, issues of whether the Defendant would be able to be put on a electronic tether and placed under house arrest were also explored. The Court therefore has instructed the Pretrial Services Officer and the attorney for the Defendant to provide the Court with further information before the Court will consider bond in this matter.

Accordingly, the order of temporary detention previously entered in this matter shall remain in effect pending further information by the Pretrial Services Agency in this matter.

The defendant is hereby remanded to the custody of the United States Marshal.

IT IS SO ORDERED.

DATED: January 24, 2006

s/Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Nancy A. Abraham, AUSA, David Koelzer Esq., Federal Defender Office, Richard D. Korn, Esq., and I hereby certify that I have hand delivered/ mailed by United States Postal Service the paper to the following non-ECF participants: United States Marshal, 600 Church St., Flint, MI 48502, Pretrial Services Officer, 600 Church St., Flint, MI 48502

s/James P. Peltier
James P. Peltier
Courtroom Deputy Clerk
U.S. District Court
600 Church St.
Flint, MI 48502
810-341-7850
pete_peltier@mied.uscourts.gov